

SHER TREMONTÉ LLP

July 26, 2024

BY ECF

The Honorable Jose R. Almonte
United States Magistrate Judge
Frank R. Lautenberg U.S. Post Office
& Courthouse Building
Newark, NJ 07102

Re: *Gardner v. Combs et al.*, Docket No. 24-cv-07729

Dear Judge Almonte:

We write jointly on behalf of our client, Sean Combs, a defendant in the above-referenced case (the “Case”), and co-defendant UMG Recordings, Inc. (incorrectly sued herein as Defendants Uptown Records, MCA Inc. and Universal Music Group) (“UMGR” and together with Mr. Combs, “Defendants”) to respectfully renew Defendants’ request for a scheduling order providing for Defendants to answer, move, or otherwise respond to the Complaint thirty (30) days after resolution of Plaintiff’s anticipated motion for remand or by September 25, 2024 (consistent with the agreement we previously reached with Plaintiff’s counsel), whichever date is later. We renew this request (previously made by counsel for UMGR on behalf of Defendants on July 16, 2024 (ECF No. 4) (the “Request”)) in light of the Court’s interim order in response to the Request and in light of the fact that Plaintiff has not opposed the Request.

As set forth in the Request, Plaintiff commenced this action by filing a complaint in the New Jersey Superior Court, Law Division, Bergen County, captioned *Gardner v. Combs, et al.*, Docket No. BER-L-003365-24 (“Bergen County Action”). On June 13, 2024, counsel for UMGR agreed to accept service of the Complaint on behalf of UMGR in connection with Plaintiff’s counsel’s agreement that UMGR’s deadline to answer or otherwise respond to the Complaint would be August 12, 2024. On July 11, 2024, counsel for Mr. Combs agreed to accept service of the Complaint on behalf of Mr. Combs in connection with Plaintiff’s counsel’s agreement that Mr. Combs’s deadline to answer or otherwise respond to the Complaint would be **September 25, 2024**.

On July 12, 2024, the Case was removed to this Court, and on that same day counsel for UMGR asked Plaintiff’s counsel to consent to the same response schedule agreed to for Defendant Combs in the Bergen County Action so that in this federal proceeding, all Defendants who have been served could have a uniform deadline of September 25, 2024 to answer, move, or otherwise respond to the Complaint. Counsel for Plaintiff did not respond to that request or to follow up requests, but did indicate that that he plans to file a motion for remand to the New Jersey state court. *See Ex. A.*

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By Text Order entered July 18, 2024, this Court stated that it wished to consider Plaintiff's position on the Request before deciding it, and accordingly ordered Plaintiff “[b]y no later than July 25, 2024” to “inform the Court whether she consents to Defendants” Request “and if so, whether Plaintiff will be filing a motion to remand.” Pending such filing by Plaintiff, the Court stated that it would “extend the deadline for Defendants to answer, move, or otherwise respond to Plaintiff's complaint through August 2, 2024.” ECF No. 10.

Plaintiff's counsel did not file any notice of Plaintiff's position with the Court by July 25, 2024 as directed, nor has he since otherwise communicated Plaintiff's position on the Request. In light of (a) the prior agreement between counsel for Mr. Combs and counsel for Plaintiff pursuant to which counsel for Mr. Combs agreed to accept service of the Complaint in connection with Plaintiff's agreement to a September 25, 2024 response deadline, (b) the fact that **Plaintiff has not opposed the Request**, (c) the fact that Plaintiff has indicated an intent to move for remand, and (d) the judicial efficiencies in having a uniform briefing schedule for all Defendants who have appeared and in resolving any potential remand motion before any Defendant responds to the Complaint,¹ we respectfully renew the Request for Defendants to answer, move, or otherwise respond to the Complaint thirty (30) days after resolution of Plaintiff's anticipated motion for remand or by September 25, 2024, whichever date is later.

Respectfully,

/s/ Yonatan Y. Jacobs

Yonatan Y. Jacobs (NJ Bar No.: 022512010)
Erica A. Wolff (*pro hac vice application pending*)
Michael Tremonte (*pro hac vice application pending*)

cc: All Counsel of Record (Via ECF)

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¹ See, e.g., *Monica v. MBNA Am. Bank, N.A.*, Civil Action Nos. 06-cv-281 (PGS), 06-cv-761 (PGS), 2006 WL 2040380, at *4 (D.N.J. July 20, 2006) (granting motion for extension of time to respond to pleadings until 20 days after denial of pending motions to remand).